

United States District Court
Southern District of Texas
FILED

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David J. Bradley, Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

STATE OF TEXAS, et al.

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.

Defendants.

Case No. 1:14-cv-254

**MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE* IN SUPPORT OF
DEFENDANTS AND IN OPPOSITION TO PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

Movants respectfully request leave to participate as *amici curiae* and to file a brief in opposition to Plaintiffs' Motion for Preliminary Injunction. The movants and proposed *amici* include the mayors of thirty-three cities from across the country: Mayor Bill de Blasio of New York, New York; Mayor Eric Garcetti of Los Angeles, California; Mayor Kasim Reed of Atlanta, Georgia; Mayor Stephanie Rawlings-Blake of Baltimore, Maryland; Mayor Byron Brown of Buffalo, New York; Mayor James Diossa of Central Falls, Rhode Island; Mayor Rahm Emanuel of Chicago, Illinois; Mayor Steve Benjamin of Columbia, South Carolina; Mayor Nan Whaley of Dayton, Ohio; Mayor Michael Hancock of Denver, Colorado; Mayor Muriel Bowser of Washington, D.C.; Mayor Riley Rogers of Dolton, Illinois; Mayor Pedro Segarra of Hartford, Connecticut; Mayor Annise Parker of Houston, Texas; Mayor Steven Fulop of Jersey City, New Jersey; Mayor Paul Soglin of Madison, Wisconsin; Mayor Betsy Hodges of Minneapolis, Minnesota; Mayor Ras Baraka of Newark, New Jersey; Mayor Libby Schaaf of Oakland,

California; Mayor Michael Nutter of Philadelphia, Pennsylvania; Mayor Bill Peduto of Pittsburgh, Pennsylvania; Mayor Charles Hales, on behalf of the City Council of the City of Portland, Oregon; Mayor Jorge O. Elorza of Providence, Rhode Island; Mayor John Dickert of Racine, Wisconsin; Mayor Tom Butt of Richmond, California; Mayor Lovely Warren of Rochester, New York; Mayor Ralph Becker of Salt Lake City, Utah; Mayor Ed Lee of San Francisco, California; Mayor Gary McCarthy of Schenectady, New York; Mayor Ed Murray of Seattle, Washington; Mayor Francis Slay of St. Louis, Missouri; Mayor Marilyn Strickland of Tacoma, Washington; and Mayor Mike Spano of Yonkers, New York. The movants and proposed *amici* also include the United States Conference of Mayors and the National League of Cities, two bipartisan organizations that support and represent mayors and cities, respectively.

Movants have submitted their proposed brief as *amici curiae* along with this motion. We have consulted with lead counsel for Plaintiffs and for Defendants in this action, and they have advised that the parties take no position on this motion.

Movants have a strong interest in participating as *amici* in opposition to Plaintiffs' request for a preliminary injunction, as America's cities are home to many of the undocumented immigrants living in the United States,¹ and those individuals make significant contributions to the cities in which they reside. Such immigrants share their unique talents, successes, and hard work as entrepreneurs, small business owners, and workers across many different professional and service industries. Their work not only fuels local economies, but also enriches their communities and the lives of their neighbors. Because the proposed *amici* regularly witness the substantial economic and social contributions of immigrants, including undocumented

¹ See, e.g., Migration Policy Institute, *Unauthorized Immigrant Population Profiles*, <http://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles> (last visited Jan. 22, 2015) (follow link to review county level data on unauthorized immigrants in the U.S.).

immigrants, they support the Executive Action and support the building of stronger cities through the successful integration of immigrants into the civic, legal, and cultural fabric of our communities.

Many of the Mayors who seek leave to participate as *amici* here joined together in December, 2014, to form Cities United for Immigration Action, a coalition of cities that supports President Obama's Executive Action on Immigration and advocates for comprehensive immigration reform that will strengthen cities by keeping families together, further growing local economies, and fostering additional community trust in law enforcement and government.² Moreover, cities across the nation have long recognized the importance of immigrant integration. Cities such as Boston, Baltimore, Chicago, New York City, Philadelphia, Houston, Los Angeles, San Francisco, and Seattle have dedicated offices that support the well-being and integration of immigrants, regardless of their federal immigration status,³ out of a commitment to serving and

² Cities United for Immigration Action, <http://citiesforaction.us/> (last visited Jan. 22, 2015) (listing steering committee members). *See also* Cities United for Immigration Action, Mayors Challenge, <http://citiesforaction.us/mayors-challenge/> (last visited Jan. 22, 2015).

³ *See, e.g.*, City of Baltimore, Mayor's Office of Immigrant and Multicultural Affairs, <http://mayor.baltimorecity.gov/node/2229> (last visited Jan. 22, 2015); City of Boston, Mayor's Office of New Bostonians, <http://www.cityofboston.gov/newbostonians/> (last visited Jan. 22, 2015); City of Chicago, Office of New Americans, http://www.cityofchicago.org/city/en/depts/mayor/provdrs/office_of_new_americans.html (last visited Jan. 22, 2015); City of Houston, Office of International Communities, <http://www.houstontx.gov/oic> (last visited Jan. 22, 2015); Office of Los Angeles Mayor Eric Garcetti, Mayor's Office of Immigrant Affairs, <http://www.lamayor.org/immigrants> (last visited Jan. 22, 2015); New York City Mayor's Office of Immigrant Affairs, <http://www.nyc.gov/html/imm/html/home/home.shtml> (last visited Jan. 22, 2015); City of Philadelphia, Immigrant and Multicultural Affairs <http://www.phila.gov/ima/Pages/default.aspx> (last visited Jan. 22, 2015); City of San Francisco, Office of Civic Engagement & Immigrant Affairs, <http://sfgsa.org/index.aspx?page=957> (last visited Jan. 22, 2015); City of Seattle, Office of Immigrant and Refugee Affairs, <http://www.seattle.gov/office-of-immigrant-and-refugee-affairs> (last visited Jan. 22, 2014) .

improving the lives of all city residents. Other cities including Atlanta, Austin, Charlotte, Pittsburgh, Portland, and St. Louis have launched immigrant integration initiatives.⁴

Movants believe that their proposed brief as *amici curiae* will be helpful to the Court in providing a distinctive, local perspective on why a grant of preliminary injunctive relief against the President's Executive Action would be strongly contrary to the public interest—one of the four pertinent factors in evaluating a request for a preliminary injunction. The *amici* fully support the Executive Action under challenge here, which will allow eligible undocumented children and adults to apply for expanded “Deferred Action for Childhood Arrivals” (“DACA”) and eligible undocumented parents of U.S. citizen and lawful permanent resident children to apply for “Deferred Action for Parental Accountability” (“DAPA”). (Dkt. No. 38, Defs.’ Ex. 7.)

In their proposed brief, movants demonstrate that implementation of DACA and DAPA will fuel economic growth in cities across the country, increase public safety and public engagement, and facilitate the full integration of immigrant residents by promoting family unity and limiting family separation. These positive impacts are possible because Executive Action will permit undocumented immigrants to better reach their potential and contribute to their communities. The proposed *amici* recognize the Executive Action as a practical move that will

⁴ See, e.g., City of Atlanta, *Mayor Kasim Reed and City of Atlanta Announce Results of Welcoming America Working Group*, Sept. 17, 2014, <http://www.atlantaga.gov/index.aspx?recordid=3041&page=672>; City of Austin, *Austin Promotes Immigrant-Friendly, Welcoming Environment*, June 27, 2013, <http://austintexas.gov/news/austin-promotes-immigrant-friendly-welcoming-environment>; City of Charlotte, Immigrant Integration Task Force, <http://charmeck.org/city/charlotte/cic/getinvolved/pages/immigrant-integration-task-force.aspx> (last visited Jan. 22, 2015); Office of Pittsburgh Mayor William Peduto, *Mayor William Peduto launches Welcoming Pittsburgh Initiative*, May 28, 2014, <http://pittsburghpa.gov/mayor/release?id=3112>; City of Portland, Diversity and Civic Leadership Program, <http://www.portlandoregon.gov/oni/45147> (last visited Jan. 22, 2015); *St. Louis Mosaic Project*, <http://www.stlmosaicproject.org/> (last visited Jan. 22, 2015) (city-funded regional initiative launched in 2012 to welcome immigrants to St. Louis).

allow those who qualify to participate more fully and safely in their cities and communities.

Movants respectfully seek leave to submit their brief as *amici curiae* to articulate the concrete benefits that the Executive Action will provide to their cities.

For all of the above reasons, movants respectfully request that the Court grant this motion for leave to participate as *amici curiae* and accept for filing the brief submitted with this motion.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Motion for Leave To File Brief *Amici Curiae* in Support of Defendants and in Opposition to Plaintiffs' Motion for Preliminary Injunction was served on this date, January 27, 2015, by overnight mail to:

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